IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Bail Appl..No. 7128 of 2006()

CMP.7414/2006 of J.M.F.C.,TIRUR
CRIME NO. 387/06 OF KALPAKANCHERRY POLIFCE STATION

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PETITIONER/ACCUSED:

SHAHIR, S/O MOITHEEN KUTTY,
PARAYIL HOUSE, TRIKANDIYUR AMSOM,
MUTHOOR DESOM, P.O.TIRUR.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 7128 of 2006

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DATED: 01-12-2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the sole accused in Crime No. 387/06 of Kalpakancherry Police Station for offences punishable under Secs. 366 and 376 I.P.C., seek his enlargement on bail. Petitioner was arrested on 18-11-2006.

2. The victim is stated to be one Safira who is now aged 17. According to the petitioner, the petitioner and Safira were in love for quite a considerable period and while so against her will and without her consent she was given away in marriage to another person and her marriage with that person did not last long and he has thalaqued Safira and the petitioner and Safira have decided to marry and it is at that stage that this false crime has been registered.

3. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Having regard to the facts and circumstances of the case and the eagerness expressed on behalf of the petitioner by his counsel that the petitioner is still prepared to marry Safira, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees

ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Tirur and subject to the following conditions:

1. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

2. The petitioner shall not commit any offence while on bail.

3. The petitioner shall marry the alleged victim Safira within two weeks from today as undertaken by the learned counsel for the petitioner. If the petitioner fulfills his undertaking, he need not appear before the investigating officer on all Wednesdays. If on the contrary, the petitioner commit breach of the said undertaking he shall report before the investigating officer between 9 a.m. and 12 noon on all Wednesdays.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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